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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,710	12/03/2003	William Samuel Herz	NVID-077/00US 140060-2154	6902
23419 7590 01/11/2008 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/727,710	HERZ, WILLIAM SAMUEL	
	Examiner	Art Unit	
	Daquan Zhao	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All · b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/5/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.
2. Claim Status: claims 11-18 are canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Durden et al (US 204/0,261,099 A1).

In regards to claim 1, Durden et al teach an apparatus to process an audio/video program, comprising: a preferences module configured to coordinate specification of a first presentation setting with a first portion of said audio/video program; and a presentation module coupled to said preferences module, said presentation module being configured to, during subsequent playback of said audio/video program, selectively apply said first presentation setting to said first portion of said audio/video program, and selectively apply said second presentation setting to

said second portion of said audio/video program (e.g. paragraph [0073]-[0076], [0084], table III and figures 2-4, teach a user's presentation profile 35 is associated with the user's display device in the CE to play or block different portions of video since different portion of video has been formulated into different rating, also see paragraph [0112]).

In regards to claim 2, Durden et al teach preferences module is configured to coordinate said specification of said first presentation setting with said first portion of said audio/video program based on a time stamp associated with said first portion of said audio/video program, and said preferences module is configured to coordinate said specification of said second presentation setting with second portion of audio/video program based on a time stamp associated with said second portion of said audio/video program (e.g. paragraph [0072] and figure 4, different portions of video are timestamp and have different rating).

5. Claims 1, 3, 4, 8, 9, 10, 19, 20, 22, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Weaver (US 6,694,087 B1).

In regards to claim 1, Weaver teaches an apparatus to process an audio/video program (e.g. figure 1), comprising: a preferences module configured to coordinate specification of a first presentation setting with a first portion of said audio/video program (e.g. column 5, lines 39-64, audio attributes which includes volume and pan value are specified on a frame by frame basis, audio attributes corresponds to the setting); and a presentation module coupled to said preferences module, said presentation module being configured to, during subsequent playback of said

audio/video program, selectively apply said first presentation setting to said first portion of said audio/video program, and selectively apply said second presentation setting to said second portion of said audio/video program (e.g. column 5, lines 51-64, during playback of the frame volume and pan values are computed for each frame, wherein "frames" corresponds to "portions" of the audio/video);

For claim 19, Weaver teaches a method of processing an audio/video program, comprising: coordinating a first user-specified presentation setting with a first portion of said audio/video program (e.g. column 5, lines 39-64); coordinating a second user-specified presentation setting with a second portion of said audio/video program (e.g. column 5, lines 39-64); determining an intermediate presentation setting based on said first user-specified presentation setting and said second user-specified presentation setting (e.g. linear interpolation of volume and pan values for the boundaries of neighbouring frames). Coordinating said intermediate presentation setting with an intermediate portion of said audio/video program, said intermediate portion of said audio/video program being positioned between said first portion of said audio/video program and said second portion of said audio/video program (the neighbouring frame boundaries corresponds to the intermediate portion); and coordinating playback of said audio/video program based on said first user-specified presentation setting, said intermediate presentation setting, and said second user-specified presentation setting (e.g. column 5, lines 39-64).

For claim 22, Weaver teach coordinating playback of said audio/video program includes sequentially applying said first user specified presentation setting, said

intermediate presentation setting, and said second user-specified presentation setting to respective portions of said audio/video program (e.g. column 5, lines 39-64, real time playback).

Claims 8, 9 and 23 are rejected for the same reasons as discussed in claim 19 above.

For claim 20, Weaver teaches first user-specified presentation setting and said second user-specified presentation setting correspond to different audio setting (e.g. column 5, lines 39-64, volume and Pan).

For claim 3, Weaver teaches at least one of said first presentation setting and said second presentation setting corresponds to one of an audio setting and a display setting (e.g. column 5, lines 39-64, volume and Pan).

For claim 4, Weaver teaches audio setting corresponds to one of an audio channel setting, an audio filed setting, an audio format setting, a dynamic range setting, a language setting, a pitch setting, a playback speed setting, a tone setting, and a volume setting (e.g. column 5, lines 39-64, volume and Pan).

For claim 10, Weaver teaches presentation module is configured to apply a predetermined presentation setting to a remaining portion of said audio/video program during subsequent playback of said audio/video program (portion between frame boundaries).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (US 6,694,087 B1) as applied to claims 1, 3, 4, 8, 9, 10, 19, 20, 22, 23 above, and further in view of Sturgeon et al (US 6,064,385).

See the teaching of Weaver above.

For claim 5, Weaver fails to teach display setting corresponds to one or a brightness setting, a black and white setting, a contrast setting, a color setting, a fast motion setting, a flicker setting, a gamma setting, a hue setting, a letterbox setting, a non-square zoom setting, a pan and scan setting, a pillar-box setting, a pixel blurring setting, a pixel sharpening setting, a red-eye setting, a slow motion setting and a zoom setting. Sturgeon et al teach display setting corresponds to one or a brightness setting, a black and white setting, a contrast setting, a color setting, a fast motion setting, a flicker setting, a gamma setting, a hue setting, a letterbox setting, a non-square zoom setting, a pan and scan setting, a pillar-box setting, a pixel blurring setting, a pixel sharpening setting, a red-eye setting, a slow motion setting and a zoom setting (e.g. figure 5B, column 8, lines 51-65). It would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated the teaching of Sturgeon et

al into the teaching of Weaver to allow the user effectively preview the setting in a display box (Sturgeon et al, column 8, lines 51-65).

For claim 6, Sturgeon et al teach preferences module is configured to coordinate storage of said second presentation setting for said second portion of said audio/video program (e.g. column 4, lines 20-30, and abstract, persistent medium).

For claim 7, Sturgeon et al teach a memory coupled to said preferences modules and said presentation module, aid memory being configured to stored said first presentation setting (e.g. column 4, lines 20-30, and abstract, persistent medium).

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (US 6,694,087 B1) as applied to claims 1, 3, 4, 8, 9,10, 19, 20, 22 above, and further in view of Karlsson (US 5,125,043).

For claim 21, Weaver fails to teach different display setting. Karlsson teach different display setting in column 12, lines 5-10. It would have been obvious to one ordinary skill in the art at the time of the invention was made to incorporate the teaching of Karlsson into the teaching of Weaver to improve the display quality of the video frames.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (US 6,694,087 B1) as applied to claims 1, 3, 4, 8, 9,10, 19, 20, 22 above, and further in view of Durden et al (US 2004/ 0,261,099 A1).

For claim 2, Weaver fails to teach a time stamp. Durden et al teach a time stamp (paragraph [0072]). It would have been obvious to one ordinary skill in the art at the

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time the invention was made to incorporate the teaching of Durden et al into the teaching of Weaver for user to easily modify the video.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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